

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10361-NG
)	
JOHN HANDY)	

DEFENDANT'S OBJECTIONS TO GOVERNMENT EXHIBITS

Defendant, John Handy, submits his objections to the admission of the following exhibits by Government's Exhibit No.:¹

EXHIBIT #	OBJECTIONS
5-6	Defendant does not object <u>per se</u> . The photographs the government intends to introduce, however, were taken not by any law enforcement agent but rather by an investigator from the Federal Defender Office. Because the sufficiency of the government's investigation is likely to be a subject at trial, defendant requests that the government make clear the origin of the photographs when they are introduced.
11	The CPAC Evidence Log is hearsay. <u>See</u> Fed.R.Evid. 803(8) (reports of law enforcement witnesses not subject to public records hearsay exception).
12	The Affidavit of Ron Borgio is hearsay, and in any event irrelevant and/or cumulative in light of the fact that Borgio will be testifying at trial.
14	The Massachusetts State Police Ballistics Report is hearsay and in any event irrelevant and/or cumulative in light of the fact that the parties have stipulated that the firearm worked.

¹Defendant previously moved to suppress items 1-3 (the firearm, ammunition, and holster) and items 7-9 (mail addressed to Handy at 41 Weston St), a motion this Court denied by written memorandum. Defendant renews his objection to admission to this items.

15	The Massachusetts State Police Fingerprint Report is hearsay and in any event irrelevant and/or cumulative in light of the fact that the parties have stipulated that no latent prints of value could be recovered from the firearm. Defendant's fingerprint card is separately and additionally excludable because of its prejudicial impact. The picture of the gun is excludable as there will be no foundation for its admission; in any event the picture is irrelevant and cumulative because the actual gun will be introduced into evidence.
16	The Massachusetts State Police Chain of Custody Report is hearsay and in any event irrelevant and/or cumulative in light of the fact that the parties have stipulated to the results of the testing referred to in the report.

JOHN HANDY,
By His Attorneys:

/s/ Timothy Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on December 17, 2007.

/s/ Timothy G. Watkins
Timothy G. Watkins